

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN TONER CARTRIDGES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-829**

**ISSUANCE OF GENERAL EXCLUSION ORDER AND CEASE AND DESIST ORDERS;  
TERMINATION OF INVESTIGATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to issue a general exclusion order ("GEO") and cease and desist orders ("CDOs") in the above-captioned investigation. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on February 27, 2012, based upon a complaint filed on behalf of Canon, Inc. of Tokyo, Japan; Canon U.S.A., Inc. of Lake Success, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, "Canon") on January 23, 2012. 77 *Fed. Reg.* 11586 (Feb. 27, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) in the sale for importation, importation, or sale after importation of certain toner cartridges and components thereof that infringe one or more of claims 128-130, 132 -133 and 139-143 of U.S. Patent Nos. 5,903,803 ("the '803 patent") or claims 24-30 of U.S. Patent No. 6,128,454 ("the '454 patent"). The notice of investigation named thirty-four respondents.

On August 30, 2012, the ALJ issued an initial determination finding the following sixteen respondents in default: Shanghai Orink Infotech International Co., Ltd. of Shanghai, China; Orink Infotech International Co., Ltd. of Hong Kong, China; Zhuhai Rich Imaging Technology

Co., Ltd. of Guangdong, China; Standard Image Co., Ltd. (a/k/a Shanghai Orink Co., Ltd.) of Shanghai, China; Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. (d/b/a Huebon Co., Ltd., d/b/a Ink-Tank) of Guangdong, China; Standard Image USA, Inc. (d/b/a Imaging Standard Inc.) of Santa Ana, California; Printronic Corporation (d/b/a Printronic.com, d/b/a InkSmile.com) of Santa Ana, California; Nukote, Inc. of Plano, Texas; Acecom, Inc. – San Antonio (d/b/a InkSell.com) of San Antonio, Texas; Do It Wiser LLC (d/b/a Image Toner) of Marietta, Georgia; E-Max Group, Inc. (d/b/a Databazaar.com) of Miramar, Florida; IJSS Inc. (d/b/a TonerZone.com, d/b/a InkJetSuperstore.com) of Los Angeles, California; Imaging Resources LLC of Chatsworth, California; Ink Technologies Printer Supplies, LLC of Dayton, Ohio; SupplyBuy.com, Inc. of Nashville, Tennessee; and Zinyaw LLC (d/b/a TonerPirate.com) of Houston, Texas. Order No. 14 (nonreviewed October 2, 2012).

On October 10, 2012, the ALJ issued an ID granting Canon's unopposed motion to withdraw the complaint as to respondent, Nukote Internacional de Mexico, S.A. de C.V. of Neuva Leon, Mexico and thereby to terminate this respondent from the investigation. Order No. 17 (nonreviewed Nov. 14, 2012).

The remaining respondents were terminated from the investigation on the basis of consent orders: Clover Holdings, Inc.; Clover Technologies Group LLC; Clover Vietnam Co., Ltd.; Dataproducts USA, LLC; Dataproducts Imaging Solutions S.A. de C.V.; CAU Acquisition Co., LLC (d/b/a Cartridges Are Us); Atman, Inc. (d/b/a pcRUSH.com); Dexxon Digital Storage, Inc.; Discount Office Items, Inc. and Deal Express LLC (d/b/a Discount Office Items); Green Project, Inc.; GreenLine Paper Co., Inc.; Myriad Greeyn LLC; Office World Inc. and OfficeWorld.com, Inc.; OnlineTechStores.com, Inc. (d/b/a SuppliesOutlet.com); and Virtual Imaging Products, Inc. Order No. 8 (nonreviewed July 16, 2012); Order No. 12 (nonreviewed Aug. 10, 2012); Order No. 18 (nonreviewed Nov. 14, 2012); Order No. 19 (nonreviewed Nov. 14, 2012); Order No. 20 (nonreviewed Nov. 14, 2012); Order No. 22 (nonreviewed Dec. 13, 2012). Accordingly, the only parties remaining active in this investigation are Canon and the Investigative Attorney ("IA").

On September 21, 2012, Canon filed a motion for summary determination that it satisfies the economic prong of the domestic industry requirement. On October 4, 2012, the IA submitted a response supporting the motion. On February 26, 2013, the ALJ issued an ID (Order No. 24), granting the motion. On March 25, 2013, the Commission determined not to review the ID.

On November 16, 2012, Canon filed a motion for summary determination of violation with respect to the defaulting respondents. On February 28, 2013, the ALJ issued his final initial determination on violation and recommendation on remedy ("ID/RD"), Order No. 25, granting the motion. The ALJ recommended issuance of a general exclusion order, issuance of cease and desist orders to the eleven defaulting domestic respondents, and the imposition of a bond of 100 percent of entered value during the period of Presidential review. On April 17, 2013, the Commission issued notice of its determination not to review the ALJ's final determination on violation.

The Commission has determined that the appropriate form of relief is the following: (1) a GEO under 19 U.S.C. § 1337(d)(2), prohibiting the unlicensed entry of toner cartridges and

components thereof that infringe one or more of claims 128-130, 132, 133 and 139-143 of the '803 patent or claims 24-30 of the '454 patent; and (2) CDOs directed to defaulting domestic respondents Standard Image USA, Inc.; Printronic Corporation; Nukote, Inc.; Do It Wiser LLC; E-Max Group, Inc.; IJSS Inc.; Imaging Resources, LLC; Ink Technologies Printer Supplies LLC; SupplyBuy.com, Inc.; Zinyaw LLC; and Acecom Inc.-San Antonio; and defaulting foreign respondents Shanghai Orink Infotech International Co., Orink Infotech International Co., Zhuhai Rich Imaging Technology Co., Ltd; Standard Image Co., Ltd; and Zhuhai National Resources & Jingjie Imaging Products Co., Ltd.

The Commission has further determined that the public interest factors enumerated in section 337(d) and (f) (19 U.S.C. §§ 1337(d), (f)) do not preclude issuance of the GEO and the CDOs. The Commission has determined that the bond for temporary importation during the period of Presidential review (19 U.S.C. § 1337(j)) shall be in the amount of 100 percent of the entered value of the imported articles that are subject to the order. The Commission's orders were delivered to the President and the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in sections 210.42-50 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42-50).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: June 28, 2013

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN TONER CARTRIDGES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-829**

**GENERAL EXCLUSION ORDER**

The Commission has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the unlawful importation and sale of certain toner cartridges and components thereof covered by one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determinations on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary, and accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of infringing toner cartridges and components thereof.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude the issuance of the general exclusion order, and that the bond during the Presidential review period shall be in the amount of 100 percent of the entered value of the articles in question.



Accordingly, the Commission hereby ORDERS that:

1. Toner cartridges and components thereof covered by one or more of claims 128-130, 132-133, and 139-143 of the '803 patent or claims 24-30 of the '454 patent are excluded from entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the patents, except under license of the patent owner or as provided by law.
2. Notwithstanding paragraph 1 of this Order, the aforesaid toner cartridges and components thereof are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption under bond in the amount of 100 percent of the entered value of the products, pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)) and the Presidential memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43,251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty days after the date of receipt of this Order.
3. At the discretion of U.S. Customs and Border Protection ("CBP") and pursuant to procedures that it establishes, persons seeking to import toner cartridges and components thereof that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish

such records or analyses as are necessary to substantiate the certification.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to toner cartridges and components thereof imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.
5. The Commission may modify this Order in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).
6. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and U.S. Customs and Border Protection.
7. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton'.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: June 28, 2013

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN TONER CARTRIDGES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-829**

**CEASE AND DESIST ORDER**

**IT IS HEREBY ORDERED THAT** Acecom, Inc. - San Antonio, d/b/a InkSell.com, of 14833 Bulverde Road, San Antonio, Texas 78247, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.**  
**Definitions**

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Acecom, Inc. - San Antonio, d/b/a InkSell.com, of 14833 Bulverde Road, San Antonio, Texas 78247.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Defaulting Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

## **II. Applicability**

The provisions of this Cease and Desist order shall apply to the Defaulting Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of the Defaulting Respondent.

## **III. Conduct Prohibited**

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, or otherwise transfer (except for exportation), in the United States imported covered products;

(C) advertise imported covered products;

- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

#### **IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

#### **V. Reporting**

Within thirty (30) days of the last day of the reporting period, the Defaulting Respondent shall report to the Commission (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on



or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") in a prominent place on the cover pages and/or the first page. (*See Handbook for Electronic Filing Procedures*,

[http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)).

Persons with questions regarding filing should contact the Secretary (202-205-2000). Any Respondent desiring to submit a document to the Commission in confidence must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.<sup>1</sup> Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI. Record-Keeping and Inspection**

(A) For the purpose of securing compliance with this Order, the Defaulting Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this order and for no other

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<sup>1</sup> Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this order. The designated attorney must be on the protective order entered in the investigation.

purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

## **VII. Service of Cease and Desist order**

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII( A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the later expiration date of the '803 and '454 patents.

## **VIII. Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, the Defaulting Respondent must provide a public version of such report with confidential information redacted.

## **IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting Respondent if it fails to provide adequate or timely information.

## **X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

## **XI. Bonding**

The conduct prohibited by Section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 *Fed. Reg.* 43,251 (Jul. 21, 2005)), subject to the Defaulting

Respondent's posting of a bond in the amount of one hundred (100) percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (*See* 19 C.F.R. § 210.68). The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.<sup>2</sup>

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

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<sup>2</sup> See note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", with a large, stylized loop at the end.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: June 28, 2013



**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN TONER CARTRIDGES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-829**

**CEASE AND DESIST ORDER**

**IT IS HEREBY ORDERED THAT** Do It Wiser LLC, d/b/a Image Toner, of 1720 Cumberland Point Drive, Suite 21, Marietta, Georgia 30067, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.**  
**Definitions**

As used in this order:

- (A) “Commission” shall mean the United States International Trade Commission.
- (B) “Complainants” shall mean Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.
- (C) “Defaulting Respondent” shall mean Do It Wiser LLC, d/b/a Image Toner, of 1720 Cumberland Point Drive, Suite 21, Marietta, Georgia 30067.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

## **II. Applicability**

The provisions of this Cease and Desist order shall apply to the Defaulting Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of the Defaulting Respondent.

## **III. Conduct Prohibited**

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, or otherwise transfer (except for exportation), in the United States imported covered products;

- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

#### **IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

#### **V. Reporting**

Within thirty (30) days of the last day of the reporting period, the Defaulting Respondent shall report to the Commission (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") in a prominent place on the cover pages and/or the first page. (*See Handbook for Electronic Filing Procedures*,

[http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)).

Persons with questions regarding filing should contact the Secretary (202-205-2000). Any Respondent desiring to submit a document to the Commission in confidence must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.<sup>1</sup> Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI. Record-Keeping and Inspection**

(A) For the purpose of securing compliance with this Order, the Defaulting Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

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<sup>1</sup> Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this order. The designated attorney must be on the protective order entered in the investigation.

(B) For the purposes of determining or securing compliance with this order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

## **VII. Service of Cease and Desist order**

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII( A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the later expiration date of the '803 and '454 patents.



## **VIII. Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, the Defaulting Respondent must provide a public version of such report with confidential information redacted.

## **IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting Respondent if it fails to provide adequate or timely information.

## **X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

## **XI. Bonding**

The conduct prohibited by Section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 *Fed. Reg.* 43,251 (Jul. 21, 2005)), subject to the Defaulting

Respondent's posting of a bond in the amount of one hundred (100) percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (*See* 19 C.F.R. § 210.68). The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.<sup>2</sup>

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

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<sup>2</sup> See note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being more prominent than the last name "Barton".

Lisa R. Barton  
Acting Secretary to the Commission

Issued: June 28, 2013

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

**CERTAIN TONER CARTRIDGES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-829**

**CEASE AND DESIST ORDER**

**IT IS HEREBY ORDERED THAT** E-Max Group, Inc., d/b/a Databazaar.com, of 12070 Miramar Parkway, Miramar, Florida 33025, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.  
Definitions**

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean E-Max Group, Inc., d/b/a Databazaar.com, of 12070 Miramar Parkway, Miramar, Florida 33025.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

## **II. Applicability**

The provisions of this Cease and Desist order shall apply to the Defaulting Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of the Defaulting Respondent.

## **III. Conduct Prohibited**

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, or otherwise transfer (except for exportation), in the United States imported covered products;



- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

#### **IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

#### **V. Reporting**

Within thirty (30) days of the last day of the reporting period, the Defaulting Respondent shall report to the Commission (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") in a prominent place on the cover pages and/or the first page. (*See Handbook for Electronic Filing Procedures,*

[http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)).

Persons with questions regarding filing should contact the Secretary (202-205-2000). Any Respondent desiring to submit a document to the Commission in confidence must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.<sup>1</sup> Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI. Record-Keeping and Inspection**

(A) For the purpose of securing compliance with this Order, the Defaulting Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

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<sup>1</sup> Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this order. The designated attorney must be on the protective order entered in the investigation.

(B) For the purposes of determining or securing compliance with this order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

## **VII.**

### **Service of Cease and Desist order**

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII( A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the later expiration date of the '803 and '454 patents.

## **VIII. Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, the Defaulting Respondent must provide a public version of such report with confidential information redacted.

## **IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting Respondent if it fails to provide adequate or timely information.

## **X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

## **XI. Bonding**

The conduct prohibited by Section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 *Fed. Reg.* 43,251 (Jul. 21, 2005)), subject to the Defaulting

Respondent's posting of a bond in the amount of one hundred (100) percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (*See* 19 C.F.R. § 210.68). The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.<sup>2</sup>

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

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<sup>2</sup> *See* note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with a large loop at the end.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: June 28, 2013

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

**CERTAIN TONER CARTRIDGES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-829**

**CEASE AND DESIST ORDER**

**IT IS HEREBY ORDERED THAT** IJSS Inc., d/b/a TonerZone.com, d/b/a InkJetSuperstore.com, of 6380 Wilshire Boulevard, Suite 1018, Los Angeles, California 90048, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.  
Definitions**

As used in this order:

- (A) “Commission” shall mean the United States International Trade Commission.
- (B) “Complainants” shall mean Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.
- (C) “Defaulting Respondent” shall mean IJSS Inc., d/b/a TonerZone.com, d/b/a



InkJetSuperstore.com, of 6380 Wilshire Boulevard, Suite 1018, Los Angeles, California 90048.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

## **II. Applicability**

The provisions of this Cease and Desist order shall apply to the Defaulting Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of the Defaulting Respondent.

## **III. Conduct Prohibited**

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, or otherwise transfer (except for exportation), in the United

States imported covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

#### **IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

#### **V. Reporting**

Within thirty (30) days of the last day of the reporting period, the Defaulting Respondent shall report to the Commission (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered

products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") in a prominent place on the cover pages and/or the first page. (*See Handbook for Electronic Filing Procedures,*

[http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)).

Persons with questions regarding filing should contact the Secretary (202-205-2000). Any

Respondent desiring to submit a document to the Commission in confidence must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.<sup>1</sup> Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI. Record-Keeping and Inspection**

(A) For the purpose of securing compliance with this Order, the Defaulting Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal

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<sup>1</sup> Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this order. The designated attorney must be on the protective order entered in the investigation.

year to which they pertain.

(B) For the purposes of determining or securing compliance with this order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

## **VII. Service of Cease and Desist order**

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII( A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the later expiration date of the '803 and '454 patents.

## **VIII. Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, the Defaulting Respondent must provide a public version of such report with confidential information redacted.

## **IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting Respondent if it fails to provide adequate or timely information.

## **X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

## **XI. Bonding**

The conduct prohibited by Section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 *Fed. Reg.* 43,251 (Jul. 21, 2005)), subject to the Defaulting

Respondent's posting of a bond in the amount of one hundred (100) percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (*See* 19 C.F.R. § 210.68). The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.<sup>2</sup>

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

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<sup>2</sup> See note 1 above.

Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized with a large, flowing "L" and "B".

Lisa R. Barton  
Acting Secretary to the Commission

Issued: June 28, 2013



**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN TONER CARTRIDGES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-829**

**CEASE AND DESIST ORDER**

**IT IS HEREBY ORDERED THAT** Imaging Resources, LLC, of 9434 Mason Avenue, Chatsworth, California 91311, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.**  
**Definitions**

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Imaging Resources, LLC, of 9434 Mason Avenue, Chatsworth, California 91311.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

## **II. Applicability**

The provisions of this Cease and Desist order shall apply to the Defaulting Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of the Defaulting Respondent.

## **III. Conduct Prohibited**

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, or otherwise transfer (except for exportation), in the United States imported covered products;

- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

#### **IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

#### **V. Reporting**

Within thirty (30) days of the last day of the reporting period, the Defaulting Respondent shall report to the Commission (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") in a prominent place on the cover pages and/or the first page. (*See Handbook for Electronic Filing Procedures*,

[http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)).

Persons with questions regarding filing should contact the Secretary (202-205-2000). Any Respondent desiring to submit a document to the Commission in confidence must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.<sup>1</sup> Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI. Record-Keeping and Inspection**

(A) For the purpose of securing compliance with this Order, the Defaulting Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

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<sup>1</sup> Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this order. The designated attorney must be on the protective order entered in the investigation.

(B) For the purposes of determining or securing compliance with this order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

## **VII. Service of Cease and Desist order**

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII( A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the later expiration date of the '803 and '454 patents.

## **VIII. Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Section V and VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, the Defaulting Respondent must provide a public version of such report with confidential information redacted.

## **IX. Enforcement**

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether the Defaulting Respondent is in violation of this order, the Commission may infer facts adverse to the Defaulting Respondent if it fails to provide adequate or timely information.

## **X. Modification**

The Commission may amend this order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

## **XI. Bonding**

The conduct prohibited by Section III of this order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 *Fed. Reg.* 43,251 (Jul. 21, 2005)), subject to the Defaulting

Respondent's posting of a bond in the amount of one hundred (100) percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. (*See* 19 C.F.R. § 210.68). The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) the Defaulting Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.<sup>2</sup>

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to the Defaulting Respondent on appeal, or (ii) the Defaulting Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on the Defaulting Respondent of an order issued by the Commission based upon application therefore made by the

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<sup>2</sup> *See* note 1 above.



Defaulting Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized, flowing script.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: June 28, 2013

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

**CERTAIN TONER CARTRIDGES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-829**

**CEASE AND DESIST ORDER**

**IT IS HEREBY ORDERED THAT** Ink Technologies Printer Supplies, LLC, of 7600 McEwen Road, Dayton, Ohio 45459, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of U.S. Patent No. 5,903,803 (“the ’803 patent”), or claims 24-30 of U.S. Patent No. 6,128,454 (“the ’454 patent”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.  
Definitions**

As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Canon Inc. of 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan, Canon U.S.A., Inc. of One Canon Park, Melville, New York 11747, and Canon Virginia, Inc. of 12000 Canon Boulevard, Newport News, Virginia 23606.

(C) “Defaulting Respondent” shall mean Ink Technologies Printer Supplies, LLC, of 7600 McEwen Road, Dayton, Ohio 45459.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Defaulting Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean toner cartridges and components thereof that infringe one or more of claims 128-130, 132-133, and 139-143 of the ’803 patent, or claims 24-30 of the ’454 patent.

## **II. Applicability**

The provisions of this Cease and Desist order shall apply to the Defaulting Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of the Defaulting Respondent.

## **III. Conduct Prohibited**

The following conduct of the Defaulting Respondent in the United States is prohibited by this Order. For the remaining terms of the ’803 and ’454 patents, the Defaulting Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, or otherwise transfer (except for exportation), in the United States imported covered products;

- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

#### **IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of either the '803 patent or the '454 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States as described in section 337(l) of the Tariff Act of 1930 (19 U.S.C. § 1337(l)).

#### **V. Reporting**

Within thirty (30) days of the last day of the reporting period, the Defaulting Respondent shall report to the Commission (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

For purposes of this requirement, the reporting periods shall commence on February 1 of each year and shall end on the subsequent January 31. The first report required under this section shall cover the period from the date of issuance of this order through January 31, 2014. This reporting requirement shall continue in force until such time as the Defaulting Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Respondents filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-829") in a prominent place on the cover pages and/or the first page. (*See Handbook for Electronic Filing Procedures,*

[http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)).

Persons with questions regarding filing should contact the Secretary (202-205-2000). Any Respondent desiring to submit a document to the Commission in confidence must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.<sup>1</sup> Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI. Record-Keeping and Inspection**

(A) For the purpose of securing compliance with this Order, the Defaulting Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

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<sup>1</sup> Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this order. The designated attorney must be on the protective order entered in the investigation.

(B) For the purposes of determining or securing compliance with this order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, authorized representatives of the Commission shall be permitted (i) access to Defaulting Respondent's principal offices during office hours, and (ii) the right to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order, in the presence of counsel or other representatives if the Defaulting Respondent so choose.

## **VII. Service of Cease and Desist order**

The Defaulting Respondent is ordered and directed to:

(A) Serve, within fifteen days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII( A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the later expiration date of the '803 and '454 patents.